

Message

From: Michuda, Colleen E. [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=DFF0439E10B74D14A3C7BF73069F5CAC-MICHUDA, COLLEEN]
Sent: 10/6/2014 8:53:36 PM
To: Fisher, Elizabeth [EFisher@ncdoj.gov]
Subject: RE: Post-closure "operator" liability

Elizabeth, Thanks so much for forwarding this on to me. You did a great job on this. It's great to have this good of a discussion on operator liability. If you wouldn't mind, please keep me posted on the filings and developments in the case. I assume that WASCO's main argument is just that it never owned or operated the landfill. . . Please let me know if EPA can provide you with any assistance. We are keeping a close eye on all of these types of issues involving people trying to avoid permit liability. Also, the next RCRA state directors' meeting is in November in Atlanta – this might be a good case study if Bud wanted to propose it for the agenda. Take care and thanks again.

--Colleen

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From: Fisher, Elizabeth [mailto:EFisher@ncdoj.gov]
Sent: Monday, October 06, 2014 1:23 PM
To: Michuda, Colleen E.
Subject: Post-closure "operator" liability

Colleen,

We spoke close to a year ago about RCRA's post-closure requirements as they apply to "operators." I thought you might be interested in seeing the motion for summary judgment that I recently filed (without the 1200 pages of exhibits) on behalf of NCDENR's Hazardous Waste Section. Not sure when we will have oral argument, as opposing counsel has requested an extension until November 7 to file a response.

Thanks,

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